



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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**Washington, D.C. 20231**

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/231,695	05/28/99	SASHIDA	N 990535

MM-2/0131

**EXAMINER**

ARMSTRONG, WESTERMAN, HATTORI, MCLELAND  
& NAUGHTON  
1725 K STREET NW  
SUITE 1000

CHEN, J

PAPER NUMBER

2813

PAPER NUM  
11

**DATE MAILED:**

01/31/01

and to say that we have done all we can do. I have been considering your letter and your suggestion that we should go to see Mr. Gandy and get his opinion on our situation.

Majeed et al. reported a 10% incidence of Acinetobacter infection in their study.

**Please find below and/or attached an Office communication concerning this application or proceeding.** This would require further consideration and/or search. (See note below)

It is a good idea to have a written letter. (See next talk.)

# **Commissioner of Patents and Trademarks**

... before the Patent Office, and the application in writing form for appeal by the Commissioner of Patents and Trademarks.

Agreement is reached to become the following rejection(s):

**Newly proposed or amended claims** may be allowable if submitted in separate, timely filed applications purporting to parcel off the non-allowable claims.

The relevant, existing or proposed legislation has been examined to identify where the new provision in conflict.

the last stage of the process, the final product is a highly refined, white, crystalline powder.

For purposes of this section, "claim" means a claim for compensation or gratuity.

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<sup>14</sup> See also the discussion of the relationship between the two in the section on the 'Economic Crisis'.

The following table gives the results of the experiments.

Note that  $\partial \Omega$  is the boundary of the domain  $\Omega$ , which is the set of points where  $u > 0$ .

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**Advisory Action**

Application No. <b>09/321,605</b>	Applicant(s) <b>Sashida et al.</b>
Examiner <b>Jack Chen</b>	Group Art Unit <b>2813</b>

## THE PERIOD FOR RESPONSE: [check only a or b)]

- a)  expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b)  expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- Appellant's Brief is due two months from the date of the Notice of Appeal filed on \_\_\_\_\_ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Jan 16, 2001 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

 The proposed amendment(s):

- will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- will not be entered because:
- they raise new issues that would require further consideration and/or search. (See note below).
  - they raise the issue of new matter. (See note below).
  - they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
  - they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: The new added limitation in claims 1 and 21 which raise new matter/issues. for example, the phrase "covering an entire portion of the upper electrode with an area which is larger than an area"

- Applicant's response has overcome the following rejection(s):

- Newly proposed or amended claims \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
- The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

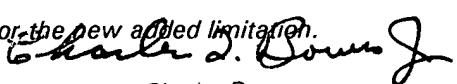
 For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: None

Claims objected to: None

Claims rejected: 1-16 and 21

- The proposed drawing correction filed on \_\_\_\_\_ has  has not been approved by the Examiner.
- Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_.
- Other *Furthermore, Applicant needs to point out the support for the new added limitation.*

  
Charles Bowers  
Supervisory Patent Examiner  
Technology Center 2800